

35-DAY RULE (C.R.S. 12-43.3-402 (5))

(Revised 04/02/2012)

The 35-Day has undergone significant changes and under current statute NEW patients may purchase Medical Marijuana within 35-days of sending their application to the Department of Public Health and Environment (CDPHE). Please read the following FAQs for guidance.

What are my responsibilities when selling Medical Marijuana to a NEW patient using their registration application rather than the card?

Response: The patient must present you with a copy of a “current and complete” application for a registration card – including the physician’s recommendation and Certified Mail Receipt indicating what date the application was mailed to the Colorado Department of Public Health and Environment (CDPHE)

The CENTER must confirm that:

- application has been mailed within the last 35-days
- check their photo id (as with all sales) AND
- check the CDPHE web site and confirm that the certified mail receipt number is not listed on the fraudulent certified mail list or on the denied patient list: www.cdphe.state.co.us/hs/Medicalmarijuana/index.html
- Statute also requires that such purchases are made between 8:00AM and 5:00PM, Monday through Friday – so if the patient does not yet have their Medical Marijuana Registry card they may not purchase on weekends or after 5:00PM

What about after 35-days?

Response: No, once 35-days have passed since the application has been submitted to CDPHE you cannot accept an application in place of a registration card.

But, wasn’t that the way it was before?

Response: Yes, prior to the effective date of HB11-1043, patients could use their application and proof of mailing to purchase Medical Marijuana – that is no longer the case as of July 1, 2011.

Can patients use their renewal application if they have let their card expire?

Response: No, statute specifically states that a renewal application cannot be used to lawfully purchase Medical Marijuana.

What if I have a patient whose paperwork CDPHE has returned to them for correction – can they use the certified mailing date on which they returned the correct paperwork to kick-off another 35 days?

Response: No, they may only have the initial 35 days within which to purchase Medical Marijuana.

How did this happen?

Response: The statute was changed through the legislative process during the 2011 Legislative Session.

Where is this in statute?

Response: , C.R.S. § 24-43.402 (5)

How do I get in touch with CDPHE to confirm that the application has been denied?

Response: CDPHE has placed a document on their web site that will provide you with a list of certified mail receipt numbers and date of receipt of applications that have been denied. To access this document go to www.cdphe.state.co.us/hs/Medicalmarijuana/topics.html - scroll down to the seventh grey box on the left of the screen titled “Medical Marijuana Centers” – this will take you to a two page document, on the bottom of the second page notice of any applications denied in the last 35-days will be listed. Remember, just because you are able to check the web site, Centers may only sale to a patient that has not yet received their registration card on Monday through Friday, from 8:00 AM to 5:00 PM.

I’ve been told that CDPHE has never denied an application – why do we need to do this?

Response: That information is not correct, applications have been denied so make sure to check the web site each time you make a Medical Marijuana sale to a patient using their application paperwork,

How do I prove that I have checked the Web site?

Response: When you check the web site print out a copy of the page *at that time* and you will have proof that you have indeed confirmed that the application has not been denied. Remember, you can only make sales to patients with paperwork between the hours of *8:00 AM and 5:00 PM, Monday through Friday.*

How do I count the thirty-five days – are they business or calendar days?

Response: Statute does not stipulate business days; therefore you count calendar days, including holidays and weekends.